

REMARKS

The Examiner's action dated March 25, 2004, has been received, and its contents carefully noted.

In response to the objection to claim 18 (which would also be applicable to the original version of claim 17), each of these claims have been amended to depend from claim 16, which provides proper antecedent basis for "the wall connector". Accordingly, it is requested that this claim objection be reconsidered and withdrawn.

The rejection of claims 10-13 as anticipated by Guntersdorfer is respectfully traversed. In order to advance prosecution, claim 10 has been amended to specify that the claimed circuit is for providing simultaneous packet based digital data and telephone communication between two locations in a local area network, as well as to define circuitry for supplying the signals to the data channels and the phantom channel. Support for the "packet based digital data" limitation will be found in the in the specification, by the disclosure, for example at page 10, lines 6-8, of the use, in a system according to the invention, of 10BaseT or 100BaseTX interfaces, which are known in the art to only be used for packet based digital data transmission. Support for the "local area network" limitation will be found in the specification at page 1, line 4. Circuitry for supplying the

signals is disclosed throughout the specification, and illustrated in the drawing.

Guntersdorfer only discloses a circuit arrangement for transmitting analog video and audio signals over a subscriber line in a telecommunications system. It is known that such subscriber lines are relatively long cables that extend between telephone sets and exchanges, and which cannot successfully carry digital signals, essentially because of their length, the environment through which they extend and the quality of such wiring.

It is therefore submitted that claim 10, is now amended, clearly distinguishes patentably over Guntersdorfer, at least by its recitation of a circuit for providing simultaneous packet based digital data- and telephone communication between two locations in a local area network.

The rejection of claims 1, 2 and 5-9 as unpatentable over Guntersdorfer in view of Diab, presented in section 2 of the action, is also respectfully traversed. Claim 1 has been amended to recite a "communication local area network for providing simultaneous packet based digital data- and analog telephone communication." The significance of these features has been discussed above with reference to the rejection of claim 10.

Diab discloses a circuit arrangement for transmitting digital data and power. The digital data is transmitted over wire pairs, while power is transmitted over a phantom channel defined by two wire pairs.

Simply stated, the differences between the systems disclosed in the two references are so substantial that one skilled in the art would not even have a starting point for contemplating combining individual features disclosed in the references in a direction to arrive at the present invention.

Guntersdorfer discloses the transmission of purely analog signals, while Diab discloses a device for transmitting digital data and power. Guntersdorfer is concerned with a telephone subscriber system, which could be compared in many respects to a wide area network, while the Diab disclosure relates to local area networks having conductors that are short enough to successfully transmit digital data. The conductors of a system of the type disclosed by Guntersdorfer would be incapable of conducting a packet based digital data, while Diab discloses a system intended to conduct data having that form.

In view of these substantial differences, it is clear that those skilled in the art would have no motivation, based on information existing in the art, to combine individual features found in the two references and it is

submitted that the only conceivable motivation for combining the reference teachings is the disclosure of the present application itself.

It is noted that the only reasoning presented to support the rejection is the following:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an Ethernet interface using digital data in place of the analog video data as taught in the communication network of Guntersdorfer for the purpose of a more accurate and cleaner signal.

This reasoning has, however, several significant fallacies. Firstly, it would not be possible to substitute an Ethernet interface in place of the interface disclosed by Guntersdorfer because the type of wiring employed in the system disclosed by Guntersdorfer would be incapable of successfully carrying digital data, and particularly packet based digital data. It follows that such a substitution would not provide a "more accurate and cleaner signal".

Since the reasons advanced in support of the "obviousness" of combining the teachings of the references is erroneous, it must be concluded that it would not be obvious to combine the teachings of the references in a manner that would arrive at the circuit defined in claim 1 and the claims dependent therefrom.

Furthermore, Guntersdorfer discloses a system for transmitting analog video phone signals, while Diab discloses a system for transmitting digital data signals. As a general rule, video phone signals are not considered to be comparable to digital data signals.

It is therefore submitted that claims 1, 2 and 5-9 distinguish patentably over any proper combination of the applied references, at least in view of the inclusion of the limitations discussed above. It is therefore requested that this rejection be reconsidered and withdrawn.

The rejection of claims 3 and 4, presented in section 3 of the Action, is traversed for the reason that the Binder reference is Applicant's own published Application, published after the filing date of the present Application. As such, it is not available as prior art against the claims of the present Application.

Moreover, claims 3 and 4 should be considered allowable in view of their dependency from claim 1.

The rejection of claims 14 and 15, presented in section 4 of the Action, is traversed for reasons similar to those set forth above with respect to the rejection presented in section 2 of the Action. Claim 14 has been amended to specify that the claimed device is for a digital data communication local area network that comprises at least one

cable, each cable including two pairs of conductors, each pair providing a packet based digital data communication channel. All of the reasons advanced above in the traversal of the rejection presented in section 2 of the Action are applicable to the rejection of claims 14 and 15, and it is therefore requested that that rejection be reconsidered and withdrawn.

The rejection of claims 16-20, presented in section 5 of the Action, is traversed on the same grounds as the rejection presented in section 3. Binder is not available as prior art against the claims of the present Application.

The rejection of claims 21 and 22, presented in section 6 of the Action, is traversed for reasons similar to those set forth with respect to the rejections presented in sections 2 and 4 of the Action. Claim 21 has been amended to define a device for conveying packet based digital data in a local area network.

The rejection of claims 23-25, presented in section 7 of the Action, is traversed for the same reason as that presented above with respect to the rejections presented in sections 3 and 5 of the Action. The Binder reference is not available as prior art against the claims of the present Application.

The rejection of claims 26 and 27, presented in section 8 of the Action, is traversed for essentially the same

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reasons as those presented above with respect to the rejection presented in section 2 of the Action. Claim 26 has been amended to specify that the claimed method is for enabling conductors that are normally operative to convey packet based digital data between at least two digital devices in a local area network, to also convey signals between at least two telephone devices. The arguments presented in response to the rejection presented in section 2 of the Action are equally applicable here.

In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that all of the pending claims be allowed and that the Application be found in allowable condition.

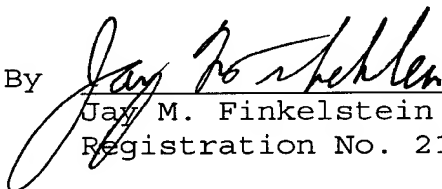
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If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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